

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-33 Canceled

34. (Amended) A method of delivering energy to ablate tissue, comprising the steps of:

- providing a device having an ablating element;
- positioning the device at a tissue site, the tissue site having a near surface and a far surface;
- measuring a temperature change at the tissue site over a period of time;
- analyzing the temperature change to provide a tissue characterization; and
- ablating the tissue in response to the tissue characterization, the ablating step being carried out with input of at least one variable from a list of variables consisting of presence of fat, amount of fat, flow rate of blood, tissue thickness and temperature of blood.

35. (Original) The method of claim 34, wherein:

- the analyzing and ablating steps are controlled by a control system;
- the positioning step is carried out with the tissue site having a near surface and a far surface; and
- the ablating step being carried out by maintaining the near surface temperature at a temperature of 0-80°C during the ablating step.

36. (Original) The method of claim 34, wherein:

- the providing step is carried out with the device having an ablating element; and
- the method also including the step of changing the temperature of the tissue with the ablating element; and
- the ablating step is carried out with the ablating element.

37. (Original) The method of claim 34, wherein:  
the positioning step is carried out with the device being in contact with the  
epicardium.

38. (Original) The method of claim 34, wherein:  
the ablating step is carried out using the results of the measuring step to  
approximate when the far surface achieves a target temperature.

39. Canceled

40. (Original) The method of claim 34, wherein:  
the ablating step is carried out with a plurality of ablating elements,  
wherein no more than 50% of the ablating elements are activated at one time.

41. (Original) The method of claim 34, wherein:  
the providing step is carried out with the device having a plurality of  
suction wells, at least one of the ablating elements being positioned in each of the suction  
wells.

Claims 42-67 Canceled